

ARTICLE 3. ADMINISTRATIVE PROCEDURES

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3.1 PURPOSE

The purpose of this Article is to outline the general application, notice, and public hearing procedures for the applications and approvals found within this Ordinance.

3.2 APPLICATION

A. Filing of Applications

1. All applications shall be filed with the appropriate official as described in Table 3-1: Filing of Applications:

TABLE 3-1: FILING OF APPLICATIONS	
APPLICATION	OFFICIAL OR HIS/HER DESIGNEE
Zoning Text & Map Amendments	Executive Director of the City Planning Commission
Conditional Use	Executive Director of the City Planning Commission
Planned Development	Executive Director of the City Planning Commission
Site Plan & Design Review	Executive Director of the City Planning Commission
Variances	Executive Director of the City Planning Commission
Minor Map Adjustments of Future Land Use Map	Executive Director of the City Planning Commission
Minor Map Adjustments of Official Zoning Map	Executive Director of the City Planning Commission
Interpretation of Future Land Use Map	Executive Director of the City Planning Commission
Zoning Appeals	Executive Director of the City Planning Commission
Interpretation of Zoning Map	Executive Director of the City Planning Commission
Interpretation of Zoning Text	Director of the Department of Safety & Permits
Zoning Verification	Director of the Department of Safety & Permits
Sign Permit	Director of the Department of Safety & Permits

2. All applications shall be on forms provided by the City and in the format and number of copies as required by the instructions. The application shall include any and all information, plans, and data specified within Article 4.

B. Completeness Review

1. The official in Table 3-1 charged with receiving applications shall review the application to ensure that all required submittals are included in the application and determine whether the application is complete. The appropriate official shall notify the applicant that the application is complete or incomplete within ten (10) days from the date of submittal.
2. If the application is deemed incomplete, the official will not process the application until the deficiencies are remedied. Once an application is deemed complete, the application will be placed on the first available docket or forwarded to the appropriate official as appropriate.
3. An application is deemed complete if the official fails to reject it and notify the applicant of the deficiencies within ten (10) days and it shall be docketed. However, it may not be complete for the purposes of review and a determination of completeness does not constitute approval of the application. The appropriate board, commission, or official may also require the applicant to supplement the application with additional information.

4. A new determination of completeness is required if the applicant materially changes the application from the prior submittal.

C. Required Fees

Every application shall be accompanied by the required filing fee. Failure to pay fees when due is grounds for refusing to process the application. However, applications initiated by the City may be exempt from fees. If it is the City Council's intent to waive the fee, the waiver and the fee amount shall be stated in the motion initiating the request.

D. Withdrawal of Application

An applicant may withdraw an application as provided below. There will be no refund of fees. Requests for withdrawal shall be in writing by the applicant or legally authorized agent. Applications initiated by the City Council are also subject to these withdrawal provisions.

1. Applications for a zoning text or map amendment, conditional use, and planned development may be withdrawn prior to recommendation by the City Planning Commission without prejudice or limit. If withdrawn after the recommendation by the City Planning Commission, but before a decision by the City Council, the application may not be resubmitted for two (2) years from the date the applicant submits the withdrawal notice.
2. Applications for variances may be withdrawn prior to a decision by the Board of Zoning Adjustments without prejudice and may thereafter be resubmitted without limit.
3. Applications for a zoning appeal may be withdrawn prior to a decision by the Board of Zoning Adjustments without prejudice. However, if an application that was withdrawn is resubmitted, the new submittal shall still be filed within forty-five (45) days of the date the decision being appealed was rendered.

E. Resubmittal of Denied Applications

1. An application for a zoning text or map amendment, conditional use, planned development, or variance that has been denied will not be reviewed or heard within two (2) years of the date of denial unless substantial new evidence is available or a significant mistake of law or of fact affected the prior denial. The official charged with receiving applications in Table 3-1 shall decide whether the subsequent application is appropriate for resubmittal before expiration of the two (2) year wait requirement.
2. An application resubmitted earlier than two (2) years from the date of denial shall include a detailed statement of the grounds justifying its consideration.
3. Unless substantial new evidence is available or a significant mistake of law or fact affected the prior denial, the official shall return the application to the applicant and it shall not be docketed.
4. The limitations of this section do not apply in the following instances:
 - a. When the City initiates the application.
 - b. When the Board of Zoning Adjustments has denied the application without prejudice.

3.3 NOTICE

A. Published Notice

For all applications that require a public hearing, a notice shall be published once a week for three (3) consecutive weeks in the official journal of the City of New Orleans, as defined in the City Code, with the first publication of notice at least twenty (20) days before the date of hearing. Each notice shall set forth the date, time, place, and purpose of the public hearing, the name of the applicant, and identification of the subject property.

B. Mailed Notice

1. Mailed notice is required for all public hearings required by this ordinance, excluding those for zoning text amendments and for zoning amendments initiated by the City Council covering multiple squares.
2. Mailed notice for public hearings held by the City Planning Commission shall be sent by regular mail at least fifteen (15) days before the public hearing to the following individuals and entities. Mailed notice for public hearings held by the Board of Zoning Adjustments shall be sent by regular mail at least five (5) days before the public hearing to the following individuals and entities.
 - a. The owner of record of the property, as indicated in the records of the Orleans Parish Assessor's Office, and all persons expressly authorized in writing by the owner to file the application.
 - b. The owners of record of all properties, as indicated in the records of the Orleans Parish Assessor's Office, located within three hundred (300) feet of the property lines of the subject property. However, for public hearings involving a site of twenty-five thousand (25,000) square feet or more in area or a development of twenty-five thousand (25,000) square feet or more in floor area, such notice shall be expanded to all properties within six-hundred (600) feet of the property lines of the subject property.
 - c. The occupants of all properties indicated in items i and ii above, wherever the mailing address of the property owner as indicated in the records of the Orleans Parish Assessor is different from the address of the property.
 - d. Any neighborhood association with boundaries within which any portion of the subject property is located. For the purposes of this section, the boundaries of a neighborhood association shall be as provided on its registration form in the office of the City Planning Commission.
3. The notice shall set forth the name of the applicant, the date, time, place, and purpose of the hearing, and identification of the subject property.

C. Posted Notice

Posted notice for public hearings is required as follows in Table 3-2: Posted Notice for Public Hearing. Section 3.3.C.1 below describes required notice when required to be posted by the applicant and Section 3.3.C.2 below describes required notice when required to be posted by the Department of Safety and Permits.

TABLE 3-2: POSTED NOTICE FOR PUBIC HEARING		
ZONING APPLICATION	POSTED BY APPLICANT (SECTION 3.3.C.1)	POSTED BY DEPARTMENT OF SAFETY & PERMITS (SECTION 3.3.C.2)
Zoning Map Amendment – Initiated by Applicant	X	
Zoning Map Amendment – Initiated by City		X
Conditional Use	X	
Planned Development	X	
Variance	X	
Property-Specific Zoning Appeal		X

1. Posted Notice by Applicant

- a. A notification sign shall be installed by the applicant at least fifteen (15) consecutive days prior to the public hearing.
- b. Such notification sign shall meet the following requirements:
 - i. The sign shall be an official notification sign provided by the City.
 - ii. The sign shall be posted at a prominent location on the subject property near the sidewalk or public right-of-way, and shall be visible to passing pedestrians and motorists. If it is not feasible to post a notification sign on a subject property for whatever reason, a notification sign shall be posted within the public right-of-way adjacent to the property at a location approved by the Department of Safety and Permits. For properties with more than one (1) street frontage, the applicant is required to post one (1) sign visible from each street frontage.
- c. The sign shall indicate that the site is the subject of a zoning application and shall provide contact information for the office of the City Planning Commission to obtain further information.
- d. The Department of Safety and Permits shall verify that the notification sign has been posted by the applicant.

2. Posted Notice by the Department of Safety and Permits

- a. Notification signs posted by the Department of Safety and Permits shall meet the following requirements:
 - i. The notification signs shall be no less than eleven (11) inches by seventeen (17) inches in size and shall be posted at the two (2) corner intersections of the block face on which the subject property is located, or by any other means, method, or placement deemed appropriate by the Executive Director of the City Planning Commission or the Director of the Department of Safety and Permits to effect the intended public notice.
 - ii. The sign shall indicate the type of application, the address of the subject property, and the day, date, time, and place of the public hearing.

D. Validity of Defective Notice

1. No action on any application submitted in accordance with this Ordinance shall be declared invalid by reason of any defect in any of the following:

- a. The publication of the notice of the purpose or subject matter and the time and place of the hearing if the published notice gives reasonable notification of its purpose, subject matter, substance, or intent.
 - b. The posting or display of a notification sign if evidence of installation of the sign is presented.
 - c. The mailing of notice to the individuals and entities within the vicinity of the site as indicated above.
2. Any defect in or failure to adhere to any discretionary forms of notification shall not form a basis for declaring invalid any ordinance or City Council action on any zoning matter.
3. No denial by the City Council of any application, petition, or other zoning matter requiring notice shall be declared invalid by reason of any defect in any form of public notice, if the applicant has received notice of the time, date, and place of the hearing.

3.4 PUBLIC HEARING

A. Conduct of the Public Hearing

When a public hearing is required, the place, date, and time for the hearing will be established, and notice of such hearing is required in accordance with Section 3.3. The public hearing will be conducted in accordance with the rules and regulations of the body conducting the hearing.

B. Continuances

The Chair, with approval of the body conducting the hearing, may continue the public hearing. No new mailed notice is required to reopen the hearing if a hearing is continued to a date specified, provided that a public announcement of the future date, time, and place of the continued hearing is made at the first hearing and placed in the minutes. Publication of the agenda shall satisfy the notice requirements.